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## REMARKS

## I. Claim Rejections under 35 USC § 102.

"Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing *Soundsciber Corp. v. United States*, 360 F.2d 954, 960, 148 USPQ 298, 301 (Ct. Cl.), *adopted*, 149 USPQ 640 (Ct. Cl. 1966)), *cert. denied*, 469 U.S. 851 (1984). Thus, to anticipate the applicants' claims, the reference cited by the Examiner must disclose each element recited therein. "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991). To overcome the anticipation rejection, the applicants need only demonstrate that not all elements of a *prima facie* case of anticipation have been met, *i.e.*, show that the reference cited by the Examiner fails to disclose every element in each of the applicants' claims. "If the examination at the initial state does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent." *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443, 1444 (Fed. Cir. 1992).

***Bajpai***

The Examiner maintains his rejection of claims 25-48 under 35 U.S.C. §102(b) as being anticipated by Bajpai (WO 97/15009).

Applicants have considered Examiner's remarks and guidance and now present claims 25, 34-36, 38 and 40-43 in amended form. Claims 26-29, 32, 33, 37 and 45-48 have been canceled. Claims 25, 30, 34-36, and 38-43 remain pending in the application for further examination.

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After re-evaluating Bajpai and Applicants' claims, independent claims 25 and have been amended to present elements not taught or suggested by Bajpai, but having solid support throughout the specification and drawings as filed. Claims 25 and as amended now read as follows:

25. A method of automating customer assistance associated with a machine, comprising the steps of:

said machine automatically recognizing a malfunction using sensors and software co-located with said machine;

said machine automatically collecting machine data including machine identification, customer identification, machine location, diagnostics/error codes, operational history and operational status, in a database associated with said machine;

said machine automatically creating a document containing said machine data;

said machine automatically transmitting said document over a data network to a remote enterprise from said machine utilizing communication equipment associated with said machine;

processing said document at said remote enterprise; and

said remote enterprise automatically proceeding with at least one of the following:

i) scheduling initiation of a telephone call by enterprise help-desk facility personnel to a customer associated with said machine to provide customer support and corrective action;

ii) transmitting corrective action over said data network directly to said machine;

iii) escalating said fault analysis to an advanced customer support unit within said remote enterprise.

36. A method of automating customer assistance associated with a photocopying machine, comprising the steps of:

said photocopying machine automatically recognizing a malfunction using sensors and software co-located with said machine;

said photocopying machine automatically collecting machine data including machine identification, customer identification, machine location, diagnostics/error codes, operational history and operational status, in a database associated with said photocopying machine;

said photocopying machine automatically creating a document containing said machine data;

said photocopying machine automatically transmitting said document over a data network to a remote enterprise from said machine utilizing communication equipment associated with said photocopying machine; and

said remote enterprise automatically proceeding with at least one of the following:

i) scheduling initiation of a telephone call by enterprise help-desk facility personnel to the customer identified as associated with said photocopying machine to provide customer support and corrective action;

ii) transmitting corrective action over said data network directly to said photocopying machine;

iii) escalating said fault analysis to an advanced customer support unit within said remote enterprise.

The Applicant respectfully submits that Bajpai does not teach or suggest the entire method wherein a machine: automatically recognizes a malfunction using sensors and software co-located with said machine; automatically collects machine

data including machine identification, customer identification, machine location, diagnostics/error codes, operational history and operational status, in a database associated with the machine; automatically creates a document containing the machine data; automatically transmits the document over a data network to a remote enterprise from said machine utilizing communication equipment associated with said machine; and the remote enterprise automatically proceeding with at least one of i) scheduling initiation of a telephone call by enterprise help-desk facility personnel to the customer identified as associated with said machine to provide customer support and corrective action, ii) transmitting corrective action over said data network directly to said machine, iii) escalating said fault analysis to an advanced customer support unit within said remote enterprise.

Furthermore, Bajpai does not teach the automated analysis and remote support of a photocopying machine as claimed in claim 36. Bajpai does not disclose the use of sensors and software for automated analysis within any machine. Bajpai only clearly teaches the use of software tools. Therefore, Bajpai does not disclose each and every limitation of the Applicant's remaining independent claims 25 and 36. Based on the foregoing, the Applicant respectfully requests that the 35 U.S.C. §102(b) rejection of claim 25 based on the Bajpai reference be withdrawn.

## **II. Claim Rejections - 35 USC § 103.**

### ***Bajpai in view of Pfeiffer et al.***

The Examiner rejects claims 35, 44, 47 and 48 under 35 U.S.C. §103(a) as being unpatentable over Bajpai in view of Pfeiffer et al. (U.S. Pub. No. 2004/0078722), hereinafter referred to as "Pfeiffer".

Claims 47 and 48 have been canceled with this paper. Regarding claims 35 and 44, Applicants incorporate the argument proffered above with respect to Bajpai

not teaching the elements of now found in amendment independent claims 26 and 36.

The combination of Bajpai with Pfeiffer still does not teach all of these elements. In particular, the combination of Bajpai with Pfeiffer does not teach: a machine automatically recognizing a malfunction using sensors and software co-located with said machine; automatically collecting machine data including machine identification, customer identification, machine location, diagnostics/error codes, operational history and operational status, in a database associated with the machine; automatically creating a document containing the machine data; automatically transmits the document over a data network to a remote enterprise from said machine utilizing communication equipment associated with said machine; and remote enterprise automatically proceeding with at least one of i) scheduling initiation of a telephone call by enterprise help-desk facility personnel to the customer identified as associated with said machine to provide customer support and corrective action, ii) transmitting corrective action over said data network directly to said machine, iii) escalating said fault analysis to an advanced customer support unit within said remote enterprise.

The Examiner has not shown that the references, singularly or in combination, disclose each and every limitation of the Applicant's claims 35 and 44. The Examiner has not shown a reasonable expectation of success of combining the references. Based on the foregoing, the Applicant respectfully requests that the 35 U.S.C. §103(a) rejections of claims 35 and 44, based on the Bajpai and Pfeiffer references, be withdrawn.

**III. Finality of rejection is in error given RCE filing status.**

A Request for Continued Examination (RCE) under 37 CFR 1.114 was submitted together with Applicants' paper dated April 25, 2007; therefore, the

finality of the June 12, 2007 office action should be changed allowing Applicants' amendments as following a first, non-final office action.

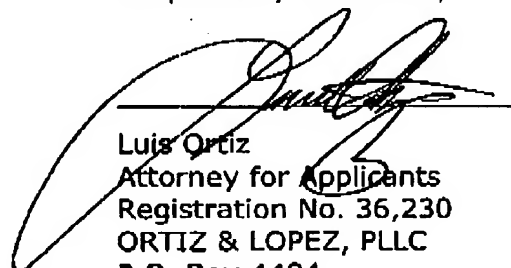
### III. Conclusion

In view of the foregoing discussion, the Applicant has responded to each and every rejection of the Official Action. The Applicant has clarified the structural distinctions of the present invention. Applicant respectfully requests withdrawal of the objections and rejections under 35 U.S.C. §102, 35 U.S.C. §103 based on the preceding remarks. Reconsideration and allowance of Applicant's application is also respectfully solicited.

Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application.

Respectfully submitted,

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